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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/770,119	02/02/2004	Nagesh Kadaba	018360/269884	9349
826	7590	04/04/2006	EXAMINER	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			LE, TOAN M	
			ART UNIT	PAPER NUMBER
			2863	

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/770,119

Applicant(s)

KADABA, NAGESH

Examiner

Toan M. Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7, 8, 10-22, 26, 28-32, 43, 44, 46, 49, 51, 53-63 and 90-95 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 8, 10-22, 26, 28-32, 43, 44, 46, 49, 51, 53-63 and 90-95 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/18/06 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 7-8, 10-12, 14-22, 26, 28-32, 43-44, 46, 49, 51, 53, 55-63, 90, 92-93, and 95 are rejected under 35 U.S.C. 102(e) as being anticipated by Gui et al. (US Pub. No. 2004/0024644 A1).

Referring to claim 1, Gui et al. disclose a system for transporting a product via a carrier, the system comprising:

an environmental sensor physically associated with a product, the environmental sensor configured to record product environment data during transport of the product through the carrier's logistics network (page 9, paragraphs [0087] and [0088]);

at least one scanner for reading the product environment data from the sensor at one or more locations within the carrier's logistics network (page 8, paragraphs [0078] and [0079]); and a computer connected to communicate with the at least one scanner, the computer configured for:

determining, based on the product environment data, whether the environmental condition of the product has transcended a limit during transport (page 11, 2nd col., lines 13-17);

routing the product through the carrier's logistics network to a first receiver so long as the determining has not established that the environmental condition has transcended the limit (page 10, paragraph [0095]); and

rerouting the product through the carrier's logistics network to a second receiver, different from the first receiver, if the determining established that the environmental condition has transcended the limit;

wherein the environmental sensor associated with the product comprises a visual indicator for indicating to handlers of the product that the environmental condition of the product has transcended a limit and the product is to be rerouted to the second receiver (page 9, paragraph [0086]; page 5, paragraph [0055]; page 6, paragraph [0059]; page 7, paragraph [0069]).

As to claim 2, Gui et al. disclose a system for transporting a product via a carrier, wherein the rerouting comprises generating with the computer an updated transporting instruction that the computer transmit to at least one point within the carrier's logistics network for performance of transporting the product to the second receiver (page 7, paragraph [0069]).

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Referring to claim 3, Gui et al. disclose a system for transporting a product via a carrier, wherein the sensor stores shipping address data for the first receiver and the second receiver (page 3, paragraph [0033]).

As to claim 4, Gui et al. disclose a system for transporting a product via a carrier, wherein the scanner is further used for scanning identification data associated with the product (page 8, paragraph [0078]).

Referring to claim 5, Gui et al. disclose a system for transporting a product via a carrier, wherein the sensor generates time data and stores product environment data in association with the time data to indicate the time of sensing the environment condition (page 8, paragraph [0079]).

As to claim 7, Gui et al. disclose a system for transporting a product via a carrier, wherein the visual indicator comprises at least one light-emitting diode (LED) that illuminates in response to the environment condition to which the product is subjected transcending a limit (page 9, paragraph [0086]; figure 10).

As to claim 8, Gui et al. disclose a system for transporting a product via a carrier, wherein the sensor comprises a radio-frequency identification (RFID) sensor tag, and the scanner transmits and receives radio frequency signals from the tag in the performance of scanning the sensor (page 3, paragraph [0033]; page 8, paragraph [0078]).

As to claim 10, Gui et al. disclose a system for transporting a product via a carrier, wherein the sensor is affixed to an outer surface of a container (page 3, paragraph [0033]; page 9, paragraph [0088]; figure 10).

Referring to claim 11, Gui et al. disclose a system for transporting a product via a carrier, wherein the sensor is positioned on the product (page 9, paragraph [0088]).

As to claim 12, Gui et al. disclose a system for transporting a product via a carrier, wherein the environmental condition sensed by the sensor to generate the product environment data includes at least one of temperature, pressure, vacuum, vibration, shock, humidity, moisture, light, air, and a chemical (page 9, paragraph [0088]).

As to claim 14, Gui et al. disclose a system for transporting a product via a carrier, wherein the sensor comprises a pressure sensor, and the product environment data generated by the pressure sensor comprises at least one measurement of a pressure level to which the product has been exposed (page 9, paragraph [0088]).

Referring to claim 15, Gui et al. disclose a system for transporting a product via a carrier, wherein the sensor comprises a vacuum sensor, and the product environment data generated by the vacuum sensor comprises at least one measurement of a vacuum level to which the product has been exposed (page 9, paragraph [0088]).

As to claim 16, Gui et al. disclose a system for transporting a product via a carrier, wherein the sensor comprises a light sensor, and the product environment data generated by the light sensor comprises at least one measurement of an amount of light to which the product has been exposed (page 9, paragraph [0088]).

Referring to claim 17, Gui et al. disclose a system for transporting a product via a carrier, wherein the sensor comprises a chemical sensor, and the product environment data generated by the chemical sensor comprises at least one measurement of an amount of a chemical to which the product has been exposed (page 9, paragraph [0088]).

As to claim 18, Gui et al. disclose a system for transporting a product via a carrier, wherein the sensor comprises an air sensor, and the product environment data generated by the air sensor comprises at least one measurement of an amount of air to which the product has been exposed (page 9, paragraph [0088]).

Referring to claim 19, Gui et al. disclose a system for transporting a product via a carrier, wherein the sensor comprises a vibration sensor, and the product environment data generated by the vibration sensor comprises at least one measurement of an amount of vibration to which the product has been exposed (page 9, paragraph [0088]).

As to claim 20, Gui et al. disclose a system for transporting a product via a carrier, wherein the sensor comprises a shock sensor, and the product environment data generated by the shock sensor comprises at least one measurement of an amount of shock to which the product has been exposed (page 9, paragraph [0088]).

Referring to claim 21, Gui et al. disclose a system for transporting a product via a carrier, wherein the sensor comprises a humidity sensor, and the product environment data generated by the humidity sensor comprises at least one measurement of an amount of humidity to which the product has been exposed (page 9, paragraph [0088]).

As to claim 22, Gui et al. disclose a system for transporting a product via a carrier, wherein the sensor comprises a moisture sensor, and the product environment data generated by the moisture sensor comprises at least one measurement of an amount of moisture to which the product has been exposed (page 9, paragraph [0088]).

As to claim 26, Gui et al. disclose a system for transporting a product via a carrier, wherein the computer is further configured for:

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receiving the product environment data in association with product identification data;
storing the product environment data in association with the product identification data in a database (page 5, paragraph [0049]);

receiving tracking data in association with the product identification data, the tracking data identifying when and where at least one scanning of the product was performed within the carrier's logistics network (page 5, paragraph [0051]); and

storing the tracking data in association with the product identification data and the product environment data in the database (page 5, paragraph [0054]).

As to claim 28, Gui et al. disclose a system for transporting a product via a carrier, wherein the product identification data comprises a tracking identifier for uniquely identifying the product within the carrier's logistics network (page 3, paragraph [0034]).

Referring to claim 29, Gui et al. disclose a method of transporting a product via a carrier, the method comprising:

physically associating an environmental sensor with the product (page 9, paragraphs [0087] and [0088]);

reading product environment data from the environmental sensor at a location within the carrier's logistics network, the product environment data having been recorded by the environmental sensor during transport (page 8, paragraphs [0078] and [0079]);

determining, based on the product environment data, whether the environmental condition of the product has transcended a limit during transport (page 11, 2nd col., lines 13-17);

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routing the product through the carrier's logistics network to a first receiver so long as the determining has not established that the environmental condition has transcended the limit (page 10, paragraph [0095]); and

rerouting the product through the carrier's logistics network to a second receiver, different from the first receiver, if the determining establishes that the environmental condition has transcended the limit,

wherein the environmental sensor associated with the product comprises a visual indicator for indicating to handlers of the product that the environmental condition of the product has transcended a limit and the product is to be rerouted to the second receiver (page 9, paragraph [0086]; page 5, paragraph [0055]; page 6, paragraph [0059]; page 7, paragraph [0069]).

As to claim 30, Gui et al. disclose a method of transporting a product via a carrier, wherein the rerouting comprises generating with a computer system an updated transporting instruction that the computer system transmits to at least one point within the carrier's logistics network for performance of transporting the product to the second receiver (page 7, paragraph [0069]).

Referring to claim 31, Gui et al. disclose a method of transporting a product via a carrier, wherein a shipping label associated with the product includes shipping address data indicating a shipping address of the first receiver (page 3, paragraph [0033]; page 4, paragraph [0047]).

As to claim 32, Gui et al. disclose a method of transporting a product via a carrier, wherein the sensor stores shipping address data for the first receiver and the second receiver (page 3, paragraph [0033]).

Referring to claim 43, Gui et al. disclose a method of transporting a product via a carrier, wherein the determining is performed by the sensor to produce determination data that is captured during the reading step (page 11, 2nd col., lines 13-17).

As to claim 44, Gui et al. disclose a method of transporting a product via a carrier, wherein the sensor generates time data and stores product environment data in association with the time data to indicate the time of sensing the environmental condition (page 8, paragraph [0079]).

Referring to claim 46, Gui et al. disclose a method of transporting a product via a carrier, wherein the visual indicator comprises at least one light-emitting diode (LED) that illuminates in response to the environment condition to which the product is subjected transcending a limit (page 9, paragraph [0086]; figure 10).

Referring to claim 49, Gui et al. disclose a method of transporting a product via a carrier, wherein the sensor comprises a radio-frequency identification (RFID) sensor tag, and a scanner performs the reading step by transmitting and receiving radio frequency signals from the tag (page 3, paragraph [0033]; page 8, paragraph [0078]).

Referring to claim 51, Gui et al. disclose a method of transporting a product via a carrier, wherein the sensor is affixed to an outer surface of a container used for holding the product during transport (page 3, paragraph [0033]; page 9, paragraph [0088]; figure 10).

Referring to claim 53, Gui et al. disclose a method of transporting a product via a carrier, wherein the environmental condition sensed by the sensor to generate the product environment data includes at least one of temperature, pressure, vacuum, vibration, shock, humidity, moisture, light, air, and a chemical (page 9, paragraph [0088]).

Referring to claim 55, Gui et al. disclose a method of transporting a product via a carrier, wherein the sensor comprises a pressure sensor, and the product environment data generated by the pressure sensor comprises at least one measurement of a pressure level to which the product has been exposed (page 9, paragraph [0088]).

As to claim 56, Gui et al. disclose a method of transporting a product via a carrier, wherein the sensor comprises a vacuum sensor, and the product environment data generated by the vacuum sensor comprises at least one measurement of a vacuum level to which the product has been exposed (page 9, paragraph [0088]).

Referring to claim 57, Gui et al. disclose a method of transporting a product via a carrier, wherein the sensor comprises a light sensor, and the product environment data generated by the light sensor comprises at least one measurement of an amount of light to which the product has been exposed (page 9, paragraph [0088]).

As to claim 58, Gui et al. disclose a method of transporting a product via a carrier, wherein the sensor comprises a chemical sensor, and the product environment data generated by the chemical sensor comprises at least one measurement of an amount of a known chemical to which the product has been exposed (page 9, paragraph [0088]).

Referring to claim 59, Gui et al. disclose a method of transporting a product via a carrier, wherein the sensor comprises an air sensor, and the product environment data generated by the air sensor comprises at least one measurement of an amount of air to which the product has been exposed (page 9, paragraph [0088]).

As to claim 60, Gui et al. disclose a method of transporting a product via a carrier, wherein the sensor comprises a vibration sensor, and the product environment data generated by

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the vibration sensor comprises at least one measurement of an amount of vibration to which the product has been exposed (page 9, paragraph [0088]).

Referring to claim 61, Gui et al. disclose a method of transporting a product via a carrier, wherein the sensor comprises a shock sensor, and the product environment data generated by the shock sensor comprises at least one measurement of an amount of shock to which the product has been exposed (page 9, paragraph [0088]).

As to claim 62, Gui et al. disclose a method of transporting a product via a carrier, wherein the sensor comprises a humidity sensor, and the product environment data generated by the humidity sensor comprises at least one measurement of an amount of humidity to which the product has been exposed (page 9, paragraph [0088]).

Referring to claim 63, Gui et al. disclose a method of transporting a product via a carrier, wherein the sensor comprises a moisture sensor, and the product environment data generated by the moisture sensor comprises at least one measurement of an amount of moisture to which the product has been exposed (page 9, paragraph [0088]).

As to claim 90, Gui et al. disclose a method of transporting a product via a carrier, wherein the visual indicator comprises a sensor strip that changes color in response to the environmental condition of the product transcending a limit (page 9, paragraph [0088]).

As to claim 92, Gui et al. disclose a method of transporting a product via a carrier, wherein the sensor strip comprises an electrochemical sensor strip that changes color in response to the presence of a chemical (page 9, paragraph [0088]).

Referring to claim 93, Gui et al. disclose a system of transporting a product via a carrier, wherein the visual indicator comprises a sensor strip that changes color in response to the environmental condition of the product transcending a limit (page 9, paragraph [0088]).

Referring to claim 95, Gui et al. disclose a system of transporting a product via a carrier, wherein the sensor strip comprises an electrochemical sensor strip that changes color in response to the presence of a chemical (page 9, paragraph [0088]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13, 54, 91, and 94 rejected under 35 U.S.C. 103(a) as being unpatentable over Gui et al. as applied to claims 1 and 29 above, and further in view of West (US Patent No. 5,936,523).

Referring to claims 13, 54, 91, and 94, Gui et al. disclose a system/method for transporting a product via a carrier, comprising:

an environmental sensor physically associated with a product, the environmental sensor configured to record product environment data during transport of the product through the carrier's logistics network (page 9, paragraphs [0087] and [0088]);

at least one scanner for reading the product environment data from the sensor at one or more locations within the carrier's logistics network (page 8, paragraphs [0078] and [0079]); and

a computer connected to communicate with the at least one scanner, the computer configured for:

determining, based on the product environment data, whether the environmental condition of the product has transcended a limit during transport (page 11, 2nd col., lines 13-17);

routing the product through the carrier's logistics network to a first receiver so long as the determining has not established that the environmental condition has transcended the limit (page 10, paragraph [0095]); and

rerouting the product through the carrier's logistics network to a second receiver, different from the first receiver, if the determining established that the environmental condition has transcended the limit;

wherein the environmental sensor associated with the product comprises a visual indicator for indicating to handlers of the product that the environmental condition of the product has transcended a limit and the product is to be rerouted to the second receiver (page 9, paragraph [0086]; page 5, paragraph [0055]; page 6, paragraph [0059]; page 7, paragraph [0069]).

Gui et al. do not mention the sensor comprises a temperature sensor and the product environment data generated by the sensor comprises at least one measurement of a temperature level to which the product has been exposed, wherein the sensor is a sensor strip comprises a paper thermometer or liquid crystal temperature strip that changes color in response to a change in temperature.

West discloses a system/method for transporting a product via a carrier comprises a temperature sensor and the product environment data generated by the sensor comprises at least

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one measurement of a temperature level to which the product has been exposed, wherein the sensor is a sensor strip comprises a paper thermometer or liquid crystal temperature strip that changes color in response to a change in temperature (col. 8, lines 66-67 to col. 9, lines 1-7; figure 3).

Accordingly, it is obvious to one having ordinary skill in the art at the time the invention was made to have applied the teaching of West reference into the reference of Gui et al. for monitoring temperature of the product against a threshold temperature allowing determination whether the product has been damaged in transit due to failure of temperature controllable environment in which the product is transported.

Response to Arguments

Applicant's arguments with respect to claims 1-5, 7-8, 10-22, 26, 28-32, 43-44, 46, 49, 51, 53-63, and 90-95 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan M. Le whose telephone number is (571) 272-2276. The examiner can normally be reached on Monday through Friday from 9:00 A.M. to 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Toan Le

April 1, 2006

BRYAN BUI
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read 'Bryan Bui', is written below the printed name and title.